

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WILMORE LEE WASHINGTON III,

No. 3:21-cv-00333-JR

Plaintiff(s),

ORDER

v.

JANET YELLEN, in her official capacity  
as Secretary of the Dept. of Treasury,

Defendant(s).

HERNÁNDEZ, District Judge:

Magistrate Judge Jolie Russo issued a Findings and Recommendation on August 7, 2023, in which she recommends that this Court grant Defendant's Motion for Summary Judgment, deny Plaintiff's Motion to Adverse Inference, and enter a Judgment for Defendant. F&R, ECF 58. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings and Recommendation. Pl. Obj., ECF 61. When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(en banc).

The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

### **CONCLUSION**

The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation, ECF 58. Therefore, the Court GRANTS Defendant's Motion for Summary Judgment, ECF 20, and DENIES Plaintiff's Motion to Adverse Inference, ECF 50.

IT IS SO ORDERED.

DATED: September 17, 2023.



MARCO A. HERNÁNDEZ  
United States District Judge